

## Message Text

LIMITED OFFICIAL USE

PAGE 01 MANILA 05399 260515Z

12

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01

USIA-06 PRS-01 SP-02 /028 W

----- 056664

R 260414Z APR 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2683

LIMITED OFFICIAL USE MANILA 5399

E O 11652: GDS

TAGS: PINS, RP

SUBJ: AQUINO AND OSMENA/LOPEZ

1. MANILA PAPERS REPORTED APRIL 26 SUPREME COURT DECISION  
1) TO DENY AQUINO RIGHT TO WITHDRAW HIS PETITIONS CHALLENGING TRIAL BY MILITARY TRIBUNAL; 2) TO PERMIT CONTINUATION OF PERPETUATION OF EVIDENCE HEARINGS BY MILITARY TRIBUNAL; 3) TO PERMIT HIS ABSENCE FROM THOSE HEARINGS EXCEPT WHEN REQUIRED FOR IDENTIFICATION PURPOSES. ACCORDING TO THE PRESS REPORTS, IT WOULD APPEAR THAT 6 OUT OF 10 VOTING JUSTICES FAVORED WITHDRAWAL OF THE AQUINO CASE FROM MILITARY TRIBUNAL JURISDICTION, AS WELL AS TOTAL NON-APPEARANCE AT THE HEARINGS, BUT SINCE THEY FAILED TO MUSTER THE REQUIRED THEORETICAL MAJORITY OF 8 (OUT OF 15) THEIR VOTE DID NOT COUNT. PRESS NOTED THAT AQUINO CONTINUES ON FAST AND REPEATED FOUR "CONDITIONS" OF AQUINO'S FOR ENDING FAST. COMMENT: SIZEABLE NUMBER OF JUSTICES VOTING, IN EFFECT, FOR AQUINO REPRESENTS RATHER NEW TWIST TO THE CONTEST. ALTHOUGH PERPETUATION HEARINGS MAY NOW RESUME, WE ARE UNCERTAIN OF TIMING AND IN ANY EVENT DOUBT THAT AQUINO WOULD BE COMPELLED TO ATTEND VIEW PUBLICITY THAT WOULD BE GIVEN TO HIS WEAKENED CONDITION. SO FAR AS EMBASSY CAN DETERMINE, GENERAL PUBLIC UNDERSTANDING OF AND SUPPORT FOR AQUINO FAST IS NOT GREAT. END COMMENT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MANILA 05399 260515Z

2. PRESS ALSO REPORTED THAT FIVE MAN REINVESTIGATION

PANEL HEADED BY AFP JUDGE ADVOCATE SANTOS AND LOOKING INTO CHARGES AGAINST OSMENA/LOPEZ HAD RESPONDED TO VARIOUS DEFENSE MOTIONS. PANEL DENIED TANADA REQUEST GOP WITHDRAW CHARGES AGAINST LOPEZ/OSMENA AND IT ALSO REULED THAT CRIMINAL CASE AGAINST THE ACCUSED HAD NOT BEEN REMOVED FROM MILITARY TRIBUNAL NOR COULD IT BE "DEEMED TRANSFERRED TO THE CIVIL COURT." PANEL ALSO WITHHELD JUDGEMENT ON DIOKNO REQUEST THAT MILITARY AUTHORITIES NOT PERMIT INTERVIEWS OR MOVEMENT OF HIS CLIENTS WITHOUT HIS KNOWLEDGE AND APPROVAL, NOTING THAT LUMAN, FOR ONE, APPEARED TO HAVE ENGAGED COUNSEL OF

ERNESTO BERNABE. COMMENT: GOVERNMENT DENIAL OF TANADA CHALLENGE OF JURISDICTION OF MILITARY TRIBUNAL WAS TO BE EXPECTED AND DOES NOT PREVENT GOVERNMENT ULTIMATELY TRYING OSMENA/LOPEZ IN CIVIL COURT ONCE AND IF IT DECIDES TO BRING THEM TO TRIAL. INTRODUCTION OF BERNABE AS LEHMAN COUNSEL WOULD APPEAR TO CONFIRM ARRANGEMENT REPORTED MANILA 5352. END COMMENT.  
SULLIVAN

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PRESS COMMENTS, COURT PROCEEDINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 26 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** RowellE0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975MANILA05399  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750147-0035  
**From:** MANILA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750413/aaaaalxz.tel  
**Line Count:** 81  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** RowellE0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 23 JUL 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <23 JUL 2003 by BoyleJA>; APPROVED <19 NOV 2003 by RowellE0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** AQUINO AND OSMENA/LOPEZ  
**TAGS:** PINS, RP, (AQUINO), (LOPEZ), (OSMENA)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006